

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 25TH SEPTEMBER 2007 / 3RD ASWINA 1929

WP(C).No. 28344 of 2007(Y)

**AGAINST THE ORDER IN IA. 69 /2007 IN
URA.7/2007 of DEBT RECOVERY APPELLATE TRIBUNAL, CHENNAI**
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PETITIONER:

**DR. K.SURENDRAN NAYAR,
"OSCAR", MILITARY HOSPITAL ROAD, PAYYAMBALAM,
KANNUR-670 001.**

**BY ADV. SRI.N.N.SUGUNAPALAN (SR.)
SRI.S.SUJIN**

RESPONDENTS:

- 1. STATE BANK OF TRAVANCORE,
KANNUR MAIN BRANCH, KANNUR.**
- 2. THE DEBTS RECOVERY TRIBUNAL,
(KERALA & LAKSHADWEEP), 5TH FLOOR, KSHB BUILDING,
PANAMPILLY NAGAR, COCHIN-36.**
- 3. THE DEBT RECOVERY APPELLATE TRIBUNAL,
CHENNAI.**
- 4. M/S. CANNANORE WHOLEBODY C.T.SCAN AND
RESEARCH CENTRE PVT. LTD., PLATINUM CENTER,
BANK ROAD, KANNUR-670 001.**
- 5. DR. B.ABDULLA,
"NAZRIYA", NEAR GOVERNMENT TOWN HIGH SCHOOL,
KANNUR-670 012.**
- 6. DR. K.K.NIRMAL RAJ,
"GIRIJA", THANA, KANNUR-670 013.**
- 7. DR. ANTONY G.KAVALAM,
"MIRA MARE", WELESLY ROAD, BURNASSERY,
KANNUR-670 013.**

BY ADV. SRI. SAJI VARGHESE for R1

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 25/09/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

THOTTATHIL B. RADHAKRISHNAN, J.

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WP(C).No.28344 of 2007-Y

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Dated this the 25th day of September, 2007.

JUDGMENT

1. Petitioner challenges Ext.P4 order passed by the Debt Recovery Appellate Tribunal on waiver application pending a statutory appeal. The DRAT has taken into consideration the relevant aspects, including that the O.A. was one filed in the year 1999 and that the outstanding amount is more than Rs.1,39,00,000/-. By exercising discretion, the DRAT has reduced the amount which ought to have been otherwise paid in terms of the Statute.

2. Under the aforesaid circumstances, I find no jurisdictional error or legal infirmity in the impugned order. The writ petition fails. The same is accordingly

dismissed. However, this judgment will not stand in the way of the petitioner moving the DRAT for enlargement of time for making remittances which matter would then be one entirely within the discretion of the DRAT.

**THOTTATHIL B. RADHAKRISHNAN,
JUDGE.**

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